

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

TMT SYSTEMS, INC., and
TIMUR P. SARAC

Plaintiffs,

v.

MEDTRONIC, INC.,

Defendant.

Civil Action No. 6:20-cv-973-ADA

JURY TRIAL DEMANDED

JOINT MOTION TO STAY PENDING *INTER PARTES* REVIEW

On October 16, 2020, TMT Systems, Inc. (“TMT”) filed a Complaint in this action, asserting infringement of U.S. Patent No. 7,101,393 (“’393 patent”). Dkt. 1. Two amended complaints were filed in 2021 (Dkts. 21 and 37), and on February 15, 2022, a Third Amended Complaint was filed adding Dr. Timur P. Sarac (“Dr. Sarac”) as a Plaintiff (Dkt. 138). In each amended complaint, TMT and Dr. Sarac (collectively, “Plaintiffs”) asserted the ’393 patent. Dkts. 21, 37, 138. On March 22, 2022, the U.S. Patent Trial and Appeal Board (“PTAB”) issued a decision instituting *inter partes* review as to the ’393 patent. *See* IPR2021-01532, Paper 20. The presumptive date by which the PTAB is expected to issue its final written decision in the above-referenced IPR proceeding is no later than one year from the above institution date (i.e., March 22, 2023). *See* 35 U.S.C. § 316(a)(11).

Plaintiffs and Defendant Medtronic, Inc. have concluded that it will be mutually advantageous to the parties and to the Court to stay the District Court proceedings until the PTAB issues its final written decision in the above-referenced IPR proceeding. The outcome of the

above-referenced IPR proceeding may be case dispositive, and in the event it is not dispositive, it has the potential to streamline the issues in this case, such that staying deadlines and adjourning discovery will maximize the parties' efficient use of resources, and thereby serve the interests of justice.

The parties thus submit this Joint Motion to Stay Pending *Inter Partes* Review and a Proposed Order granting the Motion. The parties jointly request that the Court stay the District Court proceedings in its entirety until the PTAB issues its final written decisions in IPR No. IPR2021-01532.¹ The parties will notify the Court no later than ten (10) business days of any final written decision issued by the PTAB in the above referenced proceeding.

¹ Plaintiffs have deadlines to respond to additional document requests and interrogatories by April 27, 2022 and May 5, 2022, and Defendant has a deadline to file its reply brief in support of its motions to dismiss (Dkt. 142) on April 18, 2022. The parties have agreed while the Court is considering this Joint Motion, all further case deadlines are tolled.

Dated: April 11, 2022

Respectfully submitted,

/s/ J. Stephen Ravel

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record are being served with a copy of the foregoing document via the Court's CM/ECF system on April 11, 2022.

/s/ J. Stephen Ravel

J. Stephen Ravel